

FILED

04 MAY 17 AM 8:46

MICHAEL R. MERZ  
UNITED STATES  
MAGISTRATE JUDGE

United States District Court  
For The Southern District of Ohio  
Western Division At Dayton

Margaret Bagley Warden  
Respondent

--VS.--

Elwood H. Jones Jr.  
Petitioner

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\*  
\* Case No. # C-1-01-564  
\* District Judge T.M. Rose  
\* Magistrate Judge M.R. Merz  
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AFFIDAVIT OF ELWOOD H. JONES JR.

State Of Ohio  
Richland County

I Elwood H. Jones Jr. after being duly sworn according to law,  
hereby swear and affirm as follows :

# 1 - I am presently at the Mansfield Correctional Institution  
in the Death Row Housing Unit for Inmates Condemned to Death.

# 2 - I Elwood H. Jones Jr., Volunteer to give up the remaining  
of my Federal Appeals and any Clemencies hearing before the Ohio Parole  
Authority as of 2/6/04 of my free will and sound  
mind. I Volunteer to be executed as an innocent man in the State Of  
Ohio for the following reasons stated in this Affidavit.

# 3 - I Elwood H. Jones Jr., remove present counsel's Gregory Meyer's  
and James D. Owen, from acting as counsel on my behalf as of this 2/6/04  
before the courts or Ohio Parole Authority.

# 1

Case No: # C-1-01-564

4 - I Elwood H. Jones Jr., State that I had nothing to do with the brutal slaying of Ms. Rhode Nathan on September 3, 1994 in Room # 237 at the Embassy Suites Hotel, In Blue Ash, Ohio. Nor did I steal Ms. Nathan's Pendant and put it into the Tool Box of my car, which was supposedly found in the Tool Box of my car 12 day's after the victim was murdered in Room # 237 by Blue Ash Police Officer's, "After I volunteered to come in to the Blue Ash Police Department on September 12, 1994." After I was interrogated I was released and, my car was taken and, my home searched.

5 - I Elwood H. Jones Jr. from day one of my arrest on my job at K.D. Lamp Co. September 27, 1995 I have proclaimed my Innocence of this brutal slaying of Ms. Nathan and, have stated to each one of my Lawyer's. This key piece of evidence allegedly found belonging to the victim was planted by one of the Blue Ash Police Officer's into the Tool Box of my car, 12 day's after Ms. Nathan's murder. This had to have been done by one of the Officer's out of frustration and pressure to solve this case.

6 - I Elwood H. Jones Jr., State in the State Of Ohio, a poor person, who is fighting for their life and to prove they're innocent, does not have much of a chance to vindicate themselves, during trial, or on appeal, with court appointed Lawyer's because of the lack of funds and heavy case loads that they handle. This is combined with the Police and prosecutions joint efforts to deprive defendants and, defense counsel's of important investigative materials collected by the state." This is common practice to suppress prior inconsistent statements and facts by with-holding the material reports in-opposition to the Police and Prosecutions proposed theory in Hamilton County Prosecutor's Office." For a good example of some of the Materials With-held and, deprived me to show my Innocence in this case. The Hamilton County Prosecutor's Office with-held from the Jury, found with-in the files of the Blue Ash Police and, Hamilton County Prosecutor's Office's, points to someone else committed this "Brutal

Murder". That, Official's IGNORED Evidence in this case, as well as OMITTED Evidence - That did not fit the Theory offered at trial. Only because of the narrow minded focus on me. One's learning that Officer Bray Supposed found Ms. Nathan's Pendant in the Tool Box of my car on September 14, 1994.

# A)- Uncovered from the Files of the Blue Ash Police Department and Hamilton County Prosecutor's Office was questionnaires sent out to the guest who stayed at the Embassy Suites Hotel, surrounding the time of September 2nd and 3rd of 1994 of Ms. Nathan's murder. The information from the "Guest Questionnaire's" show there were a number of incidents reported by guests. There was someone trying to get into these rooms with a key during the timeline Ms. Nathan arrived at the Hotel on September 2nd, 1994 at 4:00 P.M. into the timeline her body was found on the floor of the Hotel room at 8:00 A.M. on September 3, 1994. This information clearly shows the Prosecution and Police were fully aware of the fact that there was a team of thieves working in the Hotel from Friday afternoon September 2, 1994 at 4:00 P.M. threw-out the night and into Saturday morning 8:45 A.M. September 3, 1994. As well these guest questionnaires show 75 % of the reports describe a "White Suspect" trying to get into the guest room and "Suspicious Person" leaving the Hotel. Now, either the Blue Ash Police and Hamilton County Prosecutor's office, "Disregarded these reports from Guest as not being true and accurate description or, " a description of a white male suspect was given a "Free Pass" in this Homicide Investigation."

# B) - Norman Ryan, Demetrius Williams's statements and Detective Ladd's "Hand Written Note's" from interviews with the # 2, employee's on September 3, 1994 was important to my Defense and should have been turned over to my lawyer's. "For the following reasons Detective ladd was given a clear and full description of a "Dark Complexion Guy" and a White Guy with Grey Hair", leaving Ms. Nathan's room upon hearing the scream of Ms. Schrub, they looked up and saw a dark Complexion guy and a White Guy leaving the room. "One of the guys has a Walkie-talkie in his hand that morning leaving the room. The Prosecution has said that the Murder weapon involved in this case was "A walkie-Talkie", here was

information given to the Police in a FULL DESCRIPTION of the "2 Guy's leaving the room," and one with a Walkie-Talkie is Clear Evidence that these 2 suspects could have committed Ms. Nathan's murder. Now the Same must be said, as I express concerning the Guest Questionnaire's, with respect to Norman Ryan, Demetrius Williams statement, to Detective Ladd on September 3, 1994 seeing two guys leaving Ms. Nathan's room upon hearing the scream of Ms. Schrub. That the Prosecution disregarded these 2 Employee's statements as not being true.!

# C) - Uncovered from the files of the Blue Ash Police and Prosecution files was documents showing Ms. Nathan had Hepatitis B.

According to this document I.D. No. 1229-81 and Accession No. H-377-94 from Microbiology Reference Laboratory dated September 8, 1994, clearly show Ms. Nathan test Positive for Hepatitis B, "this information was also listed on Death Records and Autopsy Reports of Ms. Nathan." This test result could have been used to show Ms. Nathan suffered from Hepatitis B, an Infectious Disease. Upon contact with her assailant they would have been infected by way of blood and bodily fluids transfer. One of the most compelling aspects of the State's case was the testimony of Dr. McDonough, a hand surgeon. "testified that the presence of Eikenella Corrodens in my left index finger, indicated that the injury occurred as a result of coming into contact with the mouth of the victim." Ms. Nathan was never tested to see if she carried Eikenella in her mouth - My Lawyer's would have been able to challenge Dr. McDonough's testimony showing that there's no evidence what-so-ever that the victim's oral cavity contained the Eikenella Bacterium, yet the test results clearly show Ms. Nathan had Hepatitis B. "I" do not have hepatitis, and the Police and prosecutors were fully aware of that. According to this second set of test results found with-in the files dated 9-15-94 I.D. No. 252 "Negative for hepatitis B."

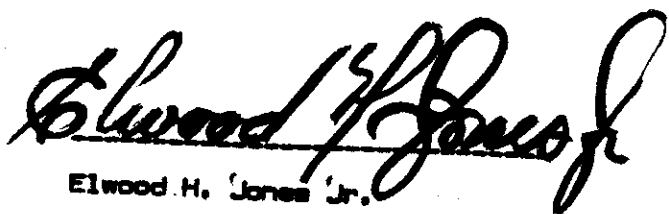
# D) - The prosecutions claim I made a number of inconsistent statements, as to my where-about's the morning in question, which was not substantiated by other employee's who were at work that morning. Infact statements uncovered from the files of the Blue Ash Police Dept and

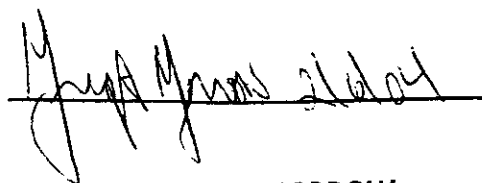
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hamilton County Prosecutor's files, clearly show I was seen by a number of employee's, during the time frame of the Homicide, on the first floor in the kitchen and Comp Breakfast Area, or in the Breakroom. " A couple of these statements put me in 2 places at the same time." One statement put me with an Employee who did not even work on 9-3-94.

7 - I Elwood H. Jones Jr., Have come to realize that Attorney's who are appointed to represent Death Penalty Appeals, their jobs are only to work on issues in the State Of Ohio that would reduce their clients Death Sentence to life without parole. Instead of being focused upon facts to completely vindicate their client and demonstrate the Bias and Prejudice Misconduct committed by the State, allowing them to obtain a conviction upon a Defendant for a crime he or she did not commit and violating a defendants ability to a fair and impartial trial. I request that this Affidavit be carried out as "My Wish and last Words." I still Proclaim my Innocence of this brutal crime I stand accused of in case No. C-1-01-564.

FURTHER AFFIANT SAYETH NAUGHT

  
Elwood H. Jones Jr.



GREGORY A. MORROW  
NOTARY PUBLIC, STATE OF OHIO  
My Commission Expires Nov. 21, 2006

#5

Sworn to and Subscribed before me, a Notary Public, this  
6<sup>th</sup> day of FEB, 04.

*This is a #6, page Affidavit to the  
U.S. District Court*

*#6*